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FEB 22 2006	
CLERK, U.S. BANKRUPTCY COURT	
SOUTHERN DISTRICT OF CALIFORNIA	
BY	104 DEPUTY

1 WRITTEN DECISION - NOT FOR PUBLICATION

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8 UNITED STATES BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 In re:) CASE NO. 02-09721-H7
11) [Jointly Administered with
12 COMMERCIAL MONEY CENTER, INC.) Case No. CASE NO. 02-09720-H7]
13 AND COMMERCIAL SERVICING)
14 CORPORATION,) ORDER DENYING CLAIMANT'S
Debtor.) MOTION FOR RECONSIDERATION
)

15 John Trevino Espinoza, pro se, submitted a Motion for
16 Reconsideration of the Order sustaining the Chapter 7 Trustee's
17 objection to his proof of claim. Pursuant to this Court's internal
18 practice and procedure, the Court reviews a motion for
19 reconsideration on the merits before authorizing a scheduled
20 hearing. The Court has reviewed Espinoza's motion and finds it
21 inappropriate to set a hearing.

22 Espinoza relies on Federal Rule Bankruptcy Procedure 9024
23 which incorporates Federal Rule Civil Procedure 60. Espinoza
24 contends the Court should reconsider its prior ruling because of
25 newly discovered evidence. [FRCP 60(b)(2)]. Under Rule 60(b)(2),
26 "the movant must show the evidence (1) existed at the time of the
27 trial, (2) could not have been discovered through due diligence,
28 and (3) was 'of such magnitude that production of it earlier would

1 have been likely to change the disposition of the case.'" Jones v.
2 Aero/Chem Corp., 921 F.2d 875 (9th Cir. 1990) (citation omitted).

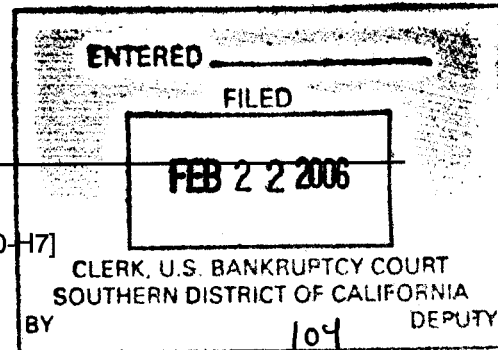
3 After a careful review of the motion, the Court concludes that
4 Espinoza has not discovered any new evidence. Espinoza simply
5 makes the same, or substantially the same, arguments in his motion
6 for reconsideration that he made in his pleadings filed in
7 opposition to the Trustee's objection to his claim. Because there
8 are no grounds for reconsideration of this Court's prior ruling, it
9 is inappropriate to make the Chapter 7 Trustee bear the cost of a
10 response and a hearing. No hearing will be held and the motion is
11 denied.

12 IT IS SO ORDERED.

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14 Dated: February 22, 2006

15 
16 JOHN J. HARGROVE
UNITED STATES BANKRUPTCY JUDGE
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991



In re: Bankruptcy Case No. 02-09721-H7 [Jointly Administered with Case No. 02-09720-H7]

CERTIFICATE OF MAILING

The undersigned, a regularly appointed and qualified clerk in the office of the United States Bankruptcy Court for the Southern District of California, at San Diego, hereby certifies that a true copy of the attached document, to wit:

ORDER DENYING CLAIMANT'S MOTION FOR RECONSIDERATION

was enclosed in a sealed envelope bearing the lawful frank of the bankruptcy judges and mailed to each of the parties at their respective addresses listed below:

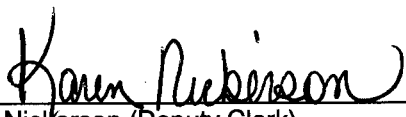
Attorney(s) for Trustee:

Oscar Garza, Esq.
Kenneth A. Glowacki, Jr., Esq.
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Irvine, CA 92614-8557

Claimant:

John Trevino Espinoza
1613 Laura Road
RiverOaks, TX 76114

Said envelope(s) containing such document was deposited by me in a regular United States Mail Box in the City of San Diego, in said District on February 22, 2006



Karen Nickerson (Deputy Clerk)
Judicial Assistant to the Honorable John J. Hargrove